IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.24638 of 1997

Dated: 25-01-2007

Between:
1. Tanniru Ramaiah, s/o Singaiah,
   aged about 40 years, H.No.4-126,
   r/o Kalikivoi village,
   Singarayakonda Mandal,
   Prakasam District and 2 others.

... Petitioners

and

1. The District Collector,
   Ongole, Prakasam District and 2 others.

... Respondents

ORDER:

This petition is filed seeking *mandamus* directing respondents not to interfere with the peaceful possession and enjoyment of petitioners in Plot Nos.36, 37 and 38 of an extent of Ac.0-05 cents each respectively situated in Kalikivoi village, Singarayakonda Mandal, Prakasam District by declaring the impugned action of demolition as illegal and arbitrary.

2. It is the case of petitioners that they were granted house site pattas in an extent of Ac.0-05 cents each in Plot Nos.36, 37 and 38 situated in Kalikivoi village, Singarayakonda Mandal, Prakasam District by the then Tahsildar, Kandukur vide proceedings dated 27-08-1978 and they have raised permanent structures and also residing therein. The grievance of petitioners is that respondents without issuing any notice or recourse to law are trying to dispossess them and demolish the said structures saying that Ac.0-02 cents of land out of Ac.0-05 cents is required.

3. Heard learned counsel for the parties.

4. This Court, on 29-09-1997 while issuing *Rule nisi,* in W.P.M.P.No.28711 of 1997 granted interim direction to respondents not to demolish the structures. Despite the fact that respondents were served with the notices, they have not chosen to file any counter affidavit.

5. Having heard learned counsel for petitioners, this Court is of the view that when once pattas were granted in favour of petitioners, even if it is required by the Government and it wants to resume the said land,
the minimum requirement is to issue a notice saying as to why the said land is required. Having regard to the fact that no counter affidavit is filed, this Court has no hesitation to accept the contention put forth by learned counsel for petitioners.

6. Accordingly, the writ petition is allowed directing

the respondents not to dispossess the petitioners without following due process of law.

JUSTICE GOPALAKRISHNA TAMADA

Dt.25-01-2007
GLV